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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/837,333      | 04/19/2001  | Hiroshi Hamagaki     | 4495-012            | 8572             |

7590 09/10/2004

LOWE HAUPTMAN GOPSTEIN GILMAN & BERNER, LLP  
Suite 310  
1700 Diagonal Road  
Alexandria, VA 22314

EXAMINER

TUNG, KEE M

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2676

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DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                   |
|------------------------------|------------------------|-------------------|
| <b>Office Action Summary</b> | Application No.        | Applicant(s)      |
|                              | 09/837,333             | HAMAGAKI, HIROSHI |
|                              | Examiner<br>Kee M Tung | Art Unit<br>2676  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 July 2004.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 and 7 is/are rejected.

7) Claim(s) 5 and 6 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## DETAILED ACTION

The amendment filed 7/1/04 has been considered in preparing this Office action.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ugajin et al (6,268,869 hereinafter "Ugajin") in view of Moriya (6,449,687).

Ugajin teaches a consecutive reading method for a computer game (Fig. 1) for reading field data (graphics data and texture data) from a storage device (23) into a memory (5 and 11) in a computer, comprising reading (16 and 10) the field data to be resident in memory and displayed on a monitor screen (22). It is noted that Ugajin fails explicitly teach or suggest that deleting segment field data selected based on the player's position from the resident in memory and reading new segment field data into memory based on the player's position. This is what Moriya teaches. Moriya teaches at the time a new stage is started (in a new position), the content of the RAM (Fig. 5, 22) is updated which means the old data in the memory is replaced by the new data (col. 6, line 1 to col. 7, line 23). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the teachings of Moriya into the system of Ugajin in order to replace old memory information by the new information and then display in the screen when the player moves from one position to another (such as,

from one stage to another in the game when the player is progressing). Therefore, at least claims 1, 2 and 7 would have been obvious.

As per claims 3 and 4, Ugajin fails to explicitly teach or suggest the size of field data in units of segments and sectors. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to modify the teachings of Ugajin in order to read data in the speed corresponding to the change of the game, the player's progress from one scene to another. Therefore, at least claims 3 and 4 would have been obvious.

***Allowable Subject Matter***

3. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments filed 7/1/04 have been fully considered but they are not persuasive.

Applicant's arguments that in Moriya, the plurality of field data are not resident in the memory and the segment field data to be deleted is not selected from plurality of segment field data based on the player's position. The examiner disagrees. Moriya clearly teaches, "at the time a new stage is started (is considered as in a new position), the content of the RAM (Fig. 5, 22) is updated which means the old data in the memory is replaced by the new data which corresponds to the new stage or position (col. 6, line

1 to col. 7, line 23 and figures 6A - 21)." Therefore, applicant's arguments are not deemed to be persuasive.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kee M Tung whose telephone number is 703-305-9660. The examiner can normally be reached on Tuesday - Friday from 5:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 703-308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Kee M Tung".

Kee M Tung  
Primary Examiner  
Art Unit 2676